

Christopher Joseph Atkins

#15791-040

U.S.P. Lewisburg

P.O. Box 1000

Lewisburg, PA 17837

FILED  
SCRANTON

SEP 19 2019

PER RF  
DEPUTY CLERK

F.T.C.A

Complaint For Damages  
(Negligence)

TRT-NER-2018-07197

[REDACTED]

### Jurisdiction And Venue

1. This Court Has Jurisdiction Under The Federal Tort Claims Act.

2. On September 7, 2018, Plaintiff submitted An Administrative Claim On Standard Form 95, Claim For Damage, Injury, Or Death, To The U.S. Department Of Justice, Federal Bureau Of Prisons, Northeast Regional Office. This Claim Was Denied On March 20, 2019 (TRT-NER-2018-07197).

### Parties

(1)

3. Plaintiff Is A Resident Of Pennsylvania (United States Penitentiary Lewisburg).

4. Defendant United States Of America Is Sued Under The Federal Tort Claims Act For Negligence By Law Enforcement Officers Of The United States Department Of Justice, Federal Bureau Of Prisons.

### Facts

5. On July 15, 2018 While Housed On G-Block, Third Floor, Of United States Penitentiary Lewisburg, A Federal Bureau Of Prisons Employee And Officer, Entered The Range And Approaches The Cell That Was Being Occupied By Inmate Lavell Bone (Whom Was My Next Door Neighbor), And Attempted To Give Inmate Lavell Bone, A Cellmate. Inmate Lavell Bone, Refused To Accept A Cellmate Informing The Federal Bureau Of Prisons Employee And Officer That The Psychology Department Dr. Brockman, Had Placed Him On "Suicide Risk Assessment" Status Due To A Situation At His Prior Institution. The Federal Bureau Of Prisons Employee And Officer Exits The Range, Then Shortly Afterwards A Calculated Use Of Force Was Conducted In Order To Extract The Inmate (Lavell Bone) From The Cell. After Extracting Inmate Lavell Bone From The Cell, He (Lavell Bone) Was

(2)

Placed In Ambulatory Restraints For Refusing A Cellmate. Lavell Bone, Was My Next Door Neighbor. So, I Was Able To Overhear The Situation Taking Place.

6. On July 16, 2018 Inmate Lavell Bone, Was Taken Out Of Ambulatory Restraints...

7. On July 16, 2018 Shortly After The Federal Bureau Of Prisons Employees And Officers Had, Taken Inmate Lavell Bone, Out Of Ambulatory Restraints, A Federal Bureau Of Prisons Employee And Officer Approached Plaintiff (Christopher Joseph Atkins) Cell And Informed Plaintiff That He (Plaintiff) Was To Pack His Personal Belongings, Because He (Plaintiff) Was Being Moved And Placed In A Cell With Lavell Bone, Plaintiff, Asked The (Unknown Male) Federal Bureau Of Prisons Employee And Officer "Why Am I Moving?" The (Unknown Male) Federal Bureau Of Prisons Employee And Officer Stated "I Don't Know Why You're Moving!" However, I Wasn't Forced To Move In The Cell With Lavell Bone, Until The Next Day (7-17-2018).

8. On 7-17-2018 Federal Bureau Of Prisons Employee And Officer Mr. Hackenburg, Approached The Cell Door And Ordered The Plaintiff To Pack His Property Because Plaintiff Was Moving In The Cell With Lavell Bone, Plaintiff, Respectfully



Requested To Speak With The Lieutenant. Federal Bureau Of Prisons Employee And Officer Mr. Hackenburg, Stated "The Lt. Is Busy, But, I'll Let Him Know You're Requesting To Speak With Him!" Plaintiff, Then Asked Federal Bureau Of Prisons Employee And Officer Mr. Hackenburg, "Why Are You Forcing Me To Moving In The Cell With A Psych Patient?" He (Federal Bureau Of Prisons Employee And Officer Mr. Hackenburg) States "I Don't Know Why You're Moving, It's Not My Call, It Comes From The Higher Ups!..." I (Plaintiff) Stated "I Don't Want To Move Because I'm Not Having Problems With My Current Cellmate!" Then He (Federal Bureau Of Prisons Employee And Officer Mr. Hackenburg) Walked Away From The Door.

9) On 7-18-2018 Federal Bureau Of Prisons Employee And Officer Mr. Steese, Came To The Cell Door And Ordered The Plaintiff To Pack His Personal Property. Plaintiff, Complied With This Direct Order And Was Forced To Move Into The Cell With Inmate Lavell Bone.

10) On 7-18-2018 While These Federal Bureau Of Prisons Employees And Officers Were In The Process Of Placing Me In The Cell With Inmate Lavell Bone, He (Lavell Bone) Informed The Federal Bureau Of Prisons

Employees And Officers (Mr. Steese And Another Unknown Officer) That He (Larell Bone) Need To Speak With The Psychology Department. These Federal Bureau Of Prisons Employees And Officers Stated "We'll Call And Let Them Know." Then They Left The Range. Throughout The Remainder Of The Day Inmate Larell Bone, Kept Requesting To Speak With The Psychology Department, Regarding Being Uncomfortable With A Cellmate.

12) Later On, On The Evening Of 7-18-2019 The Federal Bureau Of Prisons Employee And Officer Stated That They've Contacted The After Hours Psychology Department, And Was Told By The Psychologist That They Would Be In To Speak With Larell Bone In The Morning. But. Still Inmate Larell Bone, Continued To Request For They Psychology Department Throughout The Remainder Of The Evening!

13. On 7-19-2018 The Psychologists (Dr. H. Ramirez And Dr. R. Eigenbrode) Came To Speak With Inmate Larell Bone. However, Larell Bone Expressed The Need For Confidentiality Of His Personal Problem And Requested To Speak With The Psychology Department One On One. These Two (2) Psychologists (Dr. Heather Ramirez And Rachel Eigenbrode, Dr.) Informed Inmate Larell Bone, That The Psychologist

(5)

Whom Does The One On One's Log? Available And That He'd Have To Wait Until This Psychologist Returns To Work. He Even Threatened To Do Something Out Of The Ordinary If He's (Larell Bone) Not Allowed To Express His Personal Problems One On One. These Two (2) Psychologists (Dr. H. Ramirez And Dr. R. Eigen Brode) Left. Thus, Larell Bone, Continued To Complain To Every Officer That Walked On The Range (Unit G-3rd Floor). No One Was Taking Him Serious. That Is Until Larell Bone Covered The Window To Interfere With Staff Duties To Conduct A Body Count Of Inmates At 10:00pm. Still These Federal Bureau Of Prisons Employees And Officers (Mr. McCleary And Another Officer) Refused To Do Anything To Ensure The Safety Of Either The Plaintiff Or Inmate Larell Bone.

14. On 7-19-2018, Plaintiff Fell Asleep And Was Awaken By Inmate Larell Bone Performing Oral Sex On Me. I Pushed Him Off Of Me And Got Out Of The Bunk, I Told Him To Get On His Bunk And Don't Move Or I'll Kill Him. I Wrote A Cop-Out (Inmate Request) To The Officer And Handed It To Correctional Officer Mr. Harstead. He Read The Cop-Out And Walked Away. Then Another Officer Mr. Kulp, Made A Tour On The Range And I Handed Him (Mr. Kulp) A Cop-Out Explaining The Situation

(6)



That Had Transpired. Neither One Of These Federal Bureau Of Prisons Employees Or Officers Reported This Situation. Therefore, I, Plaintiff Covered The Cell Window And Request To Speak With A Lieutenant. Shortly Afterwards, Lieutenant Mr. Kemmerer Came On The Range And Inmate Larrell Bone Told This Lieutenant What He (Larrell Bone) Had Just Done. And Lieutenant (Mr. Kemmerer) Immediately Had Me Moved From The Cell With Inmate Bone. I Expressed To Lieutenant Mr. Kemmerer, That I Was Forced To Move In The Cell With Larrell Bone And Didn't Understand Why.

15. On July 20, 2018 Psychology Department Mrs. McCrea Made Rounds On G-3 Unit. Plaintiff, Attempted To Stop Her (Mrs. McCrea) But, She Just Kept Walking.

16. On July 20, 2018 Case Manager Mr. Klosner, Made Rounds On Unit G-3 And Plaintiff, Gave This Case Manager (Mr. Klosner) A Cop-Out (Explaining What Had Taken Place) To Be Forwarded To The Psychology Department.

17. On July 20, 2018 Plaintiff Had Given A Cop-Out To Medical Staff Mr. Barth Explaining The Situation Requesting For Medical Attention. With No Response.

18. On 7-24-2018 The Psychology Department Chief Psychologist Dr. J. Enigk, Made Routine Rounds On G-3, When I Attempted To Stop Her (Dr. J. Enigk) She Just Kept Walking Past My Cell Door.

19. On 7-25-2018 Psychology Department Dr. S. McCrea, Came To See Me (Plaintiff) Regarding Me Being Sexually Assaulted By Inmate Larell Bone, While I Were Asleep. I Respectfully Informed Her (Dr. S. McCrea) That The Incident Occured On 7-19-2018 And No One Was Reporting The Sexual Assault.

20. On July 25, 2018 Following The Meeting With The Psychology Department Dr. S. McCrea, I Was Seen By S.I.S And The Medical Department. While Being Seen By The Medical Staff, I Was Asked By The Medical Staff "Did You Wash Yourself Off?" I Informed Them That "I Did (Wash Myself Off), Because No One Was Responding To My Complaint And Today Would Have Been The Sixth Day." Then Medical Finished Their Medical Assessment And Plaintiff Was Escorted Back To His Cell.

21. As A Result Of The Acts Of The Officers Described In Paragraph 7-19 Above, The Plaintiff Suffered By Being Sexually  
(8)



Assaulted By An Mentally Ill Inmate Which Caused The Intentional Infliction Of Mental And Emotional Distress To The Plaintiff, Due to Psychology Staffs negligence by not deeming Levell Bone Mentally Unstable, by his history.

## Common-Law Claims Against The United States (ETCA)

22. The Actions Of Officer(s) (Which Ever Federal Bureau Of Prisons Employee And Officer That Ordered This Move) Set Forth In Paragraphs 9-10 Constitute Negligence In Violation Of Pennsylvania Common-Law, Title 18 U.S.C. § 4042 (Duties Of Bureau Of Prisons), And The Federal Bureau Of Prisons Policy Statement § 342D. 11 "Standards Of Employee Conduct." Under The Federal Tort Claims Act, The Defendant United States Of America Is Liable To The Plaintiff For The Unlawful Actions Of Officer(s) (Which Ever Federal Bureau Of Prisons Employee And Officer That Ordered The Forced Cell Move) And The Psychology Department, As They Were Acting Within The Scope Of Their Employment As A Law Enforcement Officer Of The United States Department Of Justice, Federal Bureau Of Prisons.

Prayer For Relief

4. On The Claims Stated In Paragraphs 5-17, The Plaintiff Asks The Court To Enter Judgement Against Defendant United States Of America And To Hold The Defendant United States Of America Liable To The Plaintiff For Compensatory Damages For The Two-Million Dollars Sought In The Plaintiffs Administrative Claim To The U.S. Department Of Justice, Federal Bureau Of Prisons, Northeast Regional Office (Admin. Claim No. TRT-NER-2018-07197).

### Certificate Of Service

I, Christopher Joseph Atkins, Certify That On Sept 16<sup>th</sup>, 2019 I Mailed To The Office Of The Clerk On Copy (Original) "Complaint For Damages" To Be Served On The Appropriate Parties (U.S. Attorney General And U.S. District Attorney) Via First Class Postage, Per The Prison Mail Box Rule:

To: U.S. District Attorney's Office  
U.S. District Court, Middle District Of  
Pennsylvania.

William J. Nealon Fed. Bldg & U.S. Courthouse  
235 N. Washington Ave., P.O. Box 1148  
Scranton, PA 18501

To: Office Of Attorney General  
Main Office Building  
10<sup>th</sup> St. And Constitutional Ave. N.W.,  
Washington, D.C. 20503

From: Christopher Joseph Atkins  
#15791-040  
U.S.P. Lewisburg  
P.O. Box 1000  
Lewisburg, PA 17837

Executed On: ~~Sept~~<sup>16</sup>, 2019

(s) Christopher Joseph Atkins  
Christopher Joseph Atkins..



Inmate Name: Christopher Atkins  
Register Number: 15791-040  
United States Penitentiary  
P.O. Box 1000  
Lewisburg, PA 17837

97 SEP 2019

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25 9/18/19

U.S. District Attorney's Office  
U.S. District Court

Middle District of Pennsylvania  
William J. Neelson Fed. Bldg. U.S. Courthouse  
235 N. Washington Ave  
P.O. Box 1148

18501-1148  
Lewisburg, PA 17837  
(Lewisburg Mail)

17 SEP 2019

